

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

- - -

MOBILEMEDIA IDEAS LLC, : CIVIL ACTION  
Plaintiff, :  
vs. :  
APPLE INC., :  
Defendant. : NO. 10-258-SLR-MPT

- - -

Wilmington, Delaware  
Thursday, November 8, 2012  
3:00 o'clock, p.m.

- - -

BEFORE: HONORABLE SUE L. ROBINSON, U.S.D.C.J.

- - -

APPEARANCES:

MORRIS, NICHOLS, ARSHT & TUNNELL  
BY: JACK B. BLUMENFELD, ESQ.

-and-

Valerie J. Gunning  
Official Court Reporter

1       **APPEARANCES (Continued):**

2                       **PROSKAUER ROSE LLP**

3       **BY: STEVEN M. BAUER, ESQ. and**  
4               **JUSTIN J. DANIELS, ESQ.**  
                  **(Boston, Massachusetts)**

5  
6                       **Counsel for Plaintiff**

7  
8                       **MORRIS JAMES LLP**

9       **BY: RICHARD K. HERRMANN, ESQ. and**  
                  **MARY B. MATTERER, ESQ.**

10                      **-and-**

11  
12                      **FISH & RICHARDSON**

13       **BY: FRANK E. SCHERKENBACH, ESQ.**

14                      **-and-**

15                      **FISH & RICHARDSON P.C.**

16       **BY: RUFFIN B. CORDELL, ESQ.**  
                  **(Washington, DC)**

17  
18                      **-and-**

19                      **O'MELVENY & MYERS LLP**

20       **BY: LUANN L. SIMMONS, ESQ.**  
                  **(San Francisco, California)**

21  
22                      **Counsel for Defendant**

23                      **- - -**  
24  
25

P R O C E E D I N G S

(Proceedings commenced in the courtroom at 3:00 p.m.)

THE COURT: Good afternoon, everyone.

(Counsel respond, "Good afternoon, your Honor.")

THE COURT: I guess it makes sense to have some reintroductions, although I think I know most everyone. But why don't we have some reintroductions and then we'll start talking about what's going on.

Mr. Blumenfeld?

MR. BLUMENFELD: Good afternoon, your Honor. Jack Blumenfeld for the plaintiff along with Justin Daniels and Steve Bauer from the Proskauer firm in Boston.

THE COURT: All right. Thank you.

MR. BAUER: Good afternoon.

MR. DANIELS: Good afternoon.

MS. MATTERER: Good afternoon, your Honor. Mary Matterer from Morris James, and I have Frank Scherkenbach from Fish & Richardson, Luann Simmons from O'Melveny & Myers, and Ruffin Cordell from Fish & Richardson, and Richard Herrmann from Morris James.

THE COURT: Hi. How are you?

MR. HERRMANN: Good afternoon.

1 MR. SCHERKENBACH: Good afternoon.

2 MS. SIMMONS: Good afternoon.

3 MR. CORDELL: Good afternoon, your Honor.

4 THE COURT: All right. First of all, let me  
5 say that with all the moving parts I have in my life and  
6 have had this fall and with being down to one law clerk,  
7 I'm sure that we missed things like the re-examination  
8 certificate of the '078, so I'm sure that there are some  
9 flaws and mistakes in here that are obvious that you don't  
10 even dispute about what they are. On the other hand, we  
11 did make a herculean effort to address the issues and try  
12 to help basically MobileMedia decide which patents are going  
13 to be tried.

14 And I think that was basically -- I'm not sure I  
15 will do this again, but clearly that's what the exercise is  
16 for, to try to narrow the issues for trial and in this case  
17 the patents for trial.

18 So I wanted to start off with that. And I know  
19 that you've got just -- I mean, I was actually shocked at  
20 how few open matters you identified then. Many of them have  
21 been resolved. Some of them have not.

22 I didn't sign off on your stipulation that you  
23 filed. Clearly, it made sense about the final instructions,  
24 but with Vince's help, I have done a preliminary preview of  
25 the voir dire and the preliminary instructions that you need

1 to look at. And especially all the lawyers and the  
2 witnesses, you need to get back to us on amended attachments  
3 to the voir dire and to give us any more thoughts about  
4 that, and maybe we need to specifically get a date for us to  
5 get together again before the first day of trial in that  
6 regard.

7 The trial schedule, I've got -- unfortunately, I  
8 have a naturalization that I have to do on that first  
9 Thursday of trial, and my son is actually going to be  
10 admitted to the Bar on the 12th. So there are two days of  
11 trial that are interrupted. And depending on what's  
12 happening with how many patents are going forward, there is  
13 some wiggle room, and we'll try to adjust, if need be.

14 So those are my preliminary statements. I don't  
15 know whether you each have preliminary statements before we  
16 get to any issues that actually need to be resolved at this  
17 time.

18 MR. BAUER: Your Honor, Steve Bauer.

19 We appreciate the herculean effort and we have  
20 promised that we would drop at least four patents, and we've  
21 now dropped at least four patents. So we have agreed, and  
22 it's in the pretrial order that five days from today, which  
23 would be Tuesday, we will give the other side -- and this is  
24 in the pretrial order --

25 THE COURT: Okay.

1 MR. BAUER: -- by agreement, five days from  
2 today, and that's five calendar days, so next Tuesday. We  
3 have a three-day holiday in between. So as quickly as we  
4 can, we will identify which of the remaining six patents  
5 will go to trial.

6 My guess right now is four or five. There's at  
7 least one patent I think that given -- we just got the claim  
8 construction.

9 THE COURT: I understand that there's no way.  
10 And I have not gone to trial with five or six patents, so I  
11 think we need to really talk about how many patents,  
12 depending on how related they are, I'm going to let you go  
13 to trial with.

14 So what I'd like you to do when you make that  
15 identification to defendant, you need to prioritize, and  
16 then if there's a discussion about whether a jury can really  
17 grasp the technology, which I find incredibly difficult just  
18 because it's all about words and concepts and not about  
19 anything real to me, I'm sure a jury will find the same  
20 issues.

21 Again, I think we need to make sure we get  
22 together for a conference, unless you all can work this out,  
23 before the start of trial, well before the start of trial,  
24 so that we're all on the same page.

25 MR. BAUER: Okay. So in that regard, your

1 Honor, so we are, like I said, looking hard. I think it's  
2 unlikely that we would even prioritize six, but I just can't  
3 commit right now.

4 THE COURT: Sure.

5 MR. BAUER: I think we all understand that.

6 THE COURT: I understand that.

7 MR. BAUER: The other thing, looking at it  
8 quickly, we had, I think, three experts for the patents,  
9 but given some of these constructions, certainly some of  
10 these experts are going to drop out entirely, so the case  
11 will become simpler and we will identify that and explain  
12 why these patents are related. To the extent it's a  
13 common expert, I think that will help. But it does appear  
14 that at least one of the experts no longer may have a role  
15 here.

16 In terms of the open issues, counsel, both  
17 sides, we've spoken, and we'd like to report to your Honor  
18 that given our preliminary review and our preliminary  
19 discussions, most of those issues I think we're going to  
20 make progress on, and so what we would like to do, we've  
21 both spoken. With your permission, defer argument on those  
22 open issues, and if you're going to give us a later date,  
23 if there are going to be open issues, we can address it  
24 then.

25 But many of the issues related to prior art, we

1 think those are resolved. Several of the issues related to  
2 exhibits, and we've made, each side has said we won't raise  
3 those exhibits, certainly without prior notice. So there's  
4 a relevance objection.

5 THE COURT: Right.

6 MR. BAUER: For example, there were teardown,  
7 questions about Apple having torn down products. Our  
8 representation to them is that we won't use them in the  
9 opening and we won't use them with a witness unless we  
10 present it to you in advance, and that would be -- come out  
11 in the case, if they open the door.

12 THE COURT: Right.

13 MR. BAUER: So I think most of those issues we  
14 both feel confident we'll resolve.

15 The one issue that we did identify -- your Honor  
16 identified, the '078 re-exam.

17 THE COURT: Yes.

18 MR. BAUER: And we agreed to ask your Honor how  
19 you would like to handle it, but the proposal, our proposal  
20 would be that in this context of identifying what issues are  
21 left open, that we would provide a three-page summary of  
22 what that position is, and they could attach a three-page  
23 opposition to that summary, and your Honor can make the  
24 decision whether those claims are in or not.

25 Just, since you picked it up, you may have



1 remembered, claims were amended, but not substantively  
2 different. We argued it during the summary judgment  
3 hearing.

4 THE COURT: All right. Well, and,  
5 unfortunately, my permanent law clerk left. Vince came on.  
6 This was his first assignment, if you can believe that.  
7 It's more work than some of my law clerks do the entire  
8 year. So, yes. There was just a lot going on.

9 MR. BAUER: I am actually surprised that you  
10 caught that in that 110-page decision, that that issue got  
11 missed.

12 THE COURT: Well, I caught it, we caught it,  
13 Vince caught it, because of your open issues. And we said,  
14 oh.

15 MR. BAUER: Okay.

16 THE COURT: So anyway...

17 MR. BAUER: If that works, that's a substantive  
18 disagreement that we're going to have and it's a clear  
19 substantive. We think that we should be able to slot in the  
20 claims that were allowed in the re-exam.

21 And if you remember from the hearing, we said  
22 there was no substantive change, it was just changing. They  
23 have their position, and we just thought it if we could  
24 write three pages and summarize the position, and they can  
25 do three pages and a joint letter and your Honor can decide

1 if those claims are in or not, or we are prepared to argue  
2 it today.

3 THE COURT: Well, I think at this point, I need  
4 a breathing space today.

5 MR. BAUER: All right.

6 THE COURT: So probably having something in  
7 writing would be fine.

8 MR. BAUER: Okay.

9 THE COURT: And I will wait to hear from the  
10 defendant.

11 MR. BAUER: We did argue it, so we would attach  
12 the transcript from the last hearing.

13 THE COURT: All right. You don't even have to  
14 attach it. I mean, I really do have it.

15 MR. BAUER: Okay.

16 THE COURT: So you can just identify the page.

17 MR. BAUER: I didn't mean the whole transcript,  
18 but judge the pages.

19 THE COURT: I know.

20 MR. BAUER: Okay. But that's the only  
21 substantive disagreement, I believe.

22 They'll correct me, but I believe from our  
23 discussion, that's the one substantive -- substantive  
24 disagreement. The procedural issues, we have confidence  
25 that we ought to be able to, if not resolve them, narrow

1       them a lot.

2               THE COURT: All right.

3               MR. BAUER: And I think that is probably it.

4               So we do have the procedure that -- the  
5       procedure was five days from today, we would identify the  
6       patents. I think this is on page 20 of the pretrial order.  
7       Five days from today, we identify the claims, and -- well,  
8       we identify the patents. Three days later, that would be by  
9       Friday, they would identify the defenses and prior art  
10      references that remain, so we'll see what's still in there.  
11      And then it's one day later, and because that is a weekend  
12      now, I guess -- we have not talked about it, but that should  
13      be a business day, unless you want to count Saturday.

14              But one day later, the parties will meet and  
15      confer to resolve disputes that remain open. I would  
16      propose that that be the following Monday. And one day  
17      later, the parties will inform the Court of anything that  
18      remains open, which would be a week from next Tuesday.

19              If you guys can get it back to us less than  
20      three days, you've suggested -- they suggested they might be  
21      able to do that three-day thing in less. If they can do it  
22      less than three, we'll be ready to move, so it would be even  
23      faster. But that's the thing that both sides agreed to last  
24      week.

25              THE COURT: All right. I'm just getting on my

1 computer to get my calendar.

2 So does that three-day, three-day, meet and  
3 confer, is that when your submissions of the letters are in  
4 connection with the '078 patent?

5 MR. BAUER: So that would be -- we would defer  
6 to your Honor. We could do it all at the same time, that  
7 Tuesday a week from Tuesday, and submit it then, or this  
8 issue, because it's identified, if you prefer, we can get  
9 that to you on -- get that to you this Monday.

10 I'm sure that we could both brief it and have it  
11 to you on Monday as a joint letter, Monday or -- well,  
12 Monday is a holiday. You are closed on Monday.

13 THE COURT: I am closed.

14 MR. BAUER: We could have it on to your Honor on  
15 that one issue. I would suggest if your Honor wanted a  
16 standalone letter brief on that one issue, I suggest that we  
17 would probably submit it to you on Tuesday, if they think  
18 it's okay, or anything after that, or if you prefer, it  
19 could be a week from Tuesday, everything at the same time.

20 THE COURT: Well, let me hear from defendant's  
21 counsel, but I suspect that that is an issue that we might  
22 want to think about, especially while it's still relatively  
23 fresh in our minds.

24 MR. BAUER: And I'm prepared to do that.

25 THE COURT: All right. Thank you so much, sir.

1 And Mr. Scherkenbach?

2 MR. SCHERKENBACH: Good afternoon, your Honor.

3 THE COURT: Good afternoon.

4 MR. SCHERKENBACH: We, too, obviously very much  
5 appreciate the order, no one more than me. I know a lot  
6 more about this case than I did this morning.

7 So to take up the two, I guess, primary issues,  
8 first of all, what are we actually going to go to trial  
9 on? I guess it was our hope, I won't say expectation, but  
10 hope that we'd be dealing with more like three patents and  
11 not more like four or five patents.

12 Just to -- for obvious reasons, I think, I  
13 believe there are still something like 16 asserted claims  
14 left in the six patents that are left. But maybe even more  
15 relevant than that is that they're not related to one  
16 another technologically. At least from Apple's perspective,  
17 we have a different expert witness for each of those six  
18 patents. That's a lot of witnesses. It's a lot of  
19 different technologies for a single jury to absorb.

20 So I'm sure they feel differently, and our  
21 submissions, I suppose we'll comment on that, but we'd like  
22 to see something more like three patents.

23 As to the timing of the exchange on this, which  
24 ones they pick, we're fine living with what we spelled out  
25 in the pretrial order. This is in Paragraph 64. I think

1 Mr. Bauer stated it accurately. We could do it sooner if  
2 the Court saw value in that. I don't think it --

3 THE COURT: Well, I mean, you're the ones who  
4 need to drill down and present something to me. So if  
5 you've agreed to something, that's fine with me.

6 MR. SCHERKENBACH: Okay.

7 THE COURT: But I do want to make sure -- I  
8 mean, if it's more helpful to you to have a discussion  
9 sooner rather than later, because trial isn't all that far  
10 away, then I'm happy to meet as soon as you're ready to  
11 submit things.

12 MR. SCHERKENBACH: Okay. Well, why don't we --  
13 as a default, why don't we stick with this.

14 THE COURT: Sure.

15 MR. SCHERKENBACH: It may be that even if they  
16 take their full five days, that we can respond more quickly  
17 in three, and if we can, we'll do that.

18 I do think your Honor has been gracious enough  
19 to suggest the follow-up chat. I do think we probably ought  
20 to have that, both because of the -- the issue of which  
21 patents are going to be tried. I suspect there will be some  
22 difference of opinion on that, number one. And then on this  
23 '078 re-exam claims, 1 through 3, that's obviously a  
24 disagreement, so we probably ought to get something on  
25 calendar to talk about that.

1                   So let me turn to that. That's the second, I  
2                   guess, issue on the table here. We can certainly get you a  
3                   letter on Tuesday. That's fine.

4                   THE COURT: All right.

5                   MR. SCHERKENBACH: I think -- I was conferring  
6                   with Ms. Simmons, who is really the expert on this. We  
7                   pretty much know what they're going to say, they pretty much  
8                   know what we're going to say. I think we can do  
9                   simultaneous letters and settle that up.

10                  THE COURT: Good.

11                  MR. SCHERKENBACH: And set a time to talk.

12                  As for the rest of the issues that were  
13                  originally indicated in the papers to be other matters,  
14                  disputed matters, I think it makes sense to wait. I do  
15                  think we've conceptually worked out most of them, and  
16                  depending on which patents and claims they choose, more of  
17                  them will fall away, is my guess, and whatever is left, I  
18                  think we could deal with, if we had a chance to get before  
19                  your Honor before trial.

20                  THE COURT: So if I understand your schedule  
21                  with respect to the open -- right now you've agreed to  
22                  exchange simultaneous letters on the '078 patent on Tuesday,  
23                  the 13th.

24                  With respect to the other open matters,  
25                  including what patents, what defenses, I mean, what prior

1 art, et cetera, patents identified on Tuesday, the 13th, the  
2 defendants identifying prior art, et cetera, by Friday, the  
3 16th. Parties meet and confer on the 19th? Is that  
4 basically -- I'm just trying to figure out when I can meet  
5 with you and still be helpful. Is that right?

6 MR. BAUER: That's right, your Honor.

7 THE COURT: Now, the week -- of course, Monday,  
8 the 19th, is Thanksgiving day week, and I'm in trial that  
9 Monday. I don't know whether we need to meet that week or  
10 whether it can wait until the following week, when I'm not  
11 apparently in trial, and could have time for you pretty much  
12 the Monday, Tuesday, Wednesday, whatever, and whether it can  
13 be in person as opposed to person depending on how many  
14 issues there are.

15 MR. BAUER: Your Honor, I will say Monday  
16 afternoon, the 26th, would be fine. If we could have that  
17 time scheduled and we can talk about whether it needs to be  
18 by phone or live after we see what the issues are.

19 MR. SCHERKENBACH: We can do that. I was,  
20 frankly, going to suggest that we just shave a day off. I  
21 know what we agreed to in the order, but if we could shave a  
22 day off of that, we could get this resolved the week of the  
23 16th, on that Friday. I don't know what your calendar looks  
24 like, but on Friday, the 16th. I hate to lose that whole  
25 intervening week. Obviously, trial preparation is sort of,



1       you know, waiting around.

2               THE COURT: Well, I'm in trial on Monday, the  
3       19th. I mean, Friday -- my problem is I'm in trial unless  
4       they settle on the courthouse steps, which they've been so  
5       hateful to each other, I can't imagine they will. But I'm  
6       in trial starting next Tuesday and it's supposed to go  
7       through the following Monday.

8               MR. SCHERKENBACH: I see.

9               THE COURT: So it makes it difficult, and I've  
10      got 4:30 proceedings most of those days.

11              Now, I am happy on Tuesday, the 20th, I have an  
12      obligation with my father on that Tuesday morning, and I  
13      teach Tuesday afternoon, my last class, but I do have time  
14      on that Tuesday, if you all have time.

15              MR. BAUER: Your Honor, I have a summary  
16      judgment hearing in Chicago on the 20th. If we could do it  
17      on the 21st in the morning, that would be okay. Again, if  
18      it's by telephone, that would be even better, given it's the  
19      Wednesday before Thanksgiving.

20              THE COURT: Yes. Given the fact that I'm  
21      cooking, it would be excellent, in the morning, by  
22      telephone.

23              So I don't know. Is the 21st too late? Is that  
24      helpful?

25              MR. SCHERKENBACH: No. It's fine for us. I

1 don't want to impose on the Court, especially with those  
2 weighty duties hanging in the balance there.

3 THE COURT: Well, so give me a time. I mean,  
4 this will probably be the only thing on my schedule, so no  
5 matter when it is --

6 MR. BAUER: If we say 10:00 a.m.?

7 THE COURT: I don't know. Is that too early for  
8 you all out in California?

9 MR. SCHERKENBACH: No.

10 MS. SIMMONS: That's perfect for me, your Honor.

11 THE COURT: So 10:00 o'clock, unless -- I will  
12 leave it to you. I will call it a telephone conference,  
13 unless you tell me that it needs to be something other than  
14 that. Okay?

15 MR. BAUER: Okay. Thank you.

16 THE COURT: All right?

17 MR. SCHERKENBACH: Yes. That's acceptable, yes.

18 THE COURT: All right.

19 MR. BAUER: Okay. Mr. Blumenfeld had some other  
20 procedural things.

21 THE COURT: Oh.

22 MR. BAUER: Just procedure, I think.

23 THE COURT: All right. So just let me make  
24 sure. So Wednesday, November 21st, 2012, at 10:00 o'clock,  
25 we're going to have a telephone conference. And I will let

1 plaintiff's counsel initiate the call, if he would.

2 MR. BAUER: Yes, your Honor.

3 THE COURT: All right. And obviously we'll try  
4 to issue our best thoughts on the '078 patent before then so  
5 that you have that in hand. All right.

6 MR. BLUMENFELD: Your Honor, just a couple  
7 little things. We put in the stipulation that you referred  
8 to I think that you hadn't signed --

9 THE COURT: Yes.

10 MR. BLUMENFELD: -- asking for jury  
11 instructions, voir dire, verdict sheets. We asked for the  
12 20th. Obviously, we can work with the preliminary  
13 instructions and the voir dire and get that done, I would  
14 think, very quickly.

15 Given everything we're doing together, I wonder  
16 if it wouldn't make more sense to have more time rather than  
17 less on the final jury instructions.

18 THE COURT: Oh, I think so.

19 MR. BLUMENFELD: And so I guess the question is,  
20 on the final jury instructions and voir dire, when would you  
21 like to receive them? And we'll obviously adhere to that  
22 schedule.

23 THE COURT: Well, I never have them -- I don't  
24 think it makes sense to have them done the first day of  
25 trial because things change so much. So I think I would be

1 fine if I got them by Wednesday, the 28th, or Thursday, the  
2 29th of November, just so I have them in hand and can start  
3 reviewing them so I can get my version to you some time that  
4 first week.

5 MR. BLUMENFELD: That's fine.

6 THE COURT: All right.

7 MR. BLUMENFELD: And the verdict sheet also, I  
8 kind of assume?

9 THE COURT: Yes.

10 MR. BLUMENFELD: That's great. We can do it the  
11 28th. I'm sure that won't be a problem.

12 Just looking at your preliminary jury  
13 instructions, there's nothing in here about the patent  
14 system, and I assume that's because you plan to use the  
15 video --

16 THE COURT: I do.

17 MR. BLUMENFELD: -- that has been used every  
18 trial?

19 THE COURT: Yes. I can't stand to read that  
20 anymore, so, yes.

21 MR. BLUMENFELD: Okay. Those are the only  
22 issues that I had, your Honor.

23 THE COURT: Okay. Any of like issues from the  
24 defendant?

25 MR. SCHERKENBACH: I don't think so, your Honor.

1 THE COURT: All right.

2 MR. BAUER: And, your Honor, so in terms of the  
3 simultaneous letters, I will just -- simultaneous letters as  
4 opposed to a joint letter where we both set our own  
5 positions, because I'm just wondering, Mr. Scherkenbach says  
6 we each know each other's position, but I think it would be  
7 helpful to know their position to address it or give you a  
8 letter the next day, a one-page -- there's no such thing as  
9 a one-page letter. A two-page letter that would just  
10 respond.

11 Just when it's simultaneous, I don't know what  
12 they are going to say. So the alternative is that we  
13 exchange the letters in advance, merge them into a single  
14 letter where we both can say the other side says this, we  
15 disagree, or something like that.

16 THE COURT: Well, if you have some concerns  
17 about Apple's position, then it strikes me that it would be  
18 better for someone to go first, whether it's Apple or  
19 whether it's MobileMedia, on Tuesday, and have a response  
20 on Thursday so I still have it in time to do something with  
21 it.

22 MR. BAUER: My concern was both of us might want  
23 to respond to the other side, so if I go first, they respond  
24 to me, but you don't want three. So we will do  
25 simultaneous, that's fine, and we will just anticipate what

1       they are saying.

2               THE COURT: I'm happy to have you do two and  
3 one. I just don't want you to multiply this. We've got  
4 enough paper in this case.

5               MR. BAUER: No, I understand. I understand.

6               THE COURT: So if you want to do simultaneous on  
7 Tuesday, and then -- I'm not exactly sure why you would need  
8 three pages anyway. But three pages on Tuesday. And --

9               MR. BAUER: One page on Tuesday?

10              THE COURT: One page on Wednesday or Thursday.  
11 I mean, I don't really care. Just don't give me a whole lot  
12 of stuff.

13              MR. BAUER: No.

14              THE COURT: Yes.

15              MR. BAUER: It's just, if there's something  
16 there we don't anticipate, it's just, I think, sometimes  
17 easier to address it in advance than to have to write a  
18 letter or we just submit a one-page letter.

19              THE COURT: Honestly, if you can agree to  
20 that, that's fine. If you can't, then you each submit  
21 something on Tuesday and a one-pager in a day or two after  
22 that.

23              MR. BAUER: All right. Thank you. All right.

24              THE COURT: All right. Is there anything else?  
25 This seems much too easy.

1                   And with respect, just go easy on the motions  
2                   for reargument because we've exhausted ourselves getting  
3                   this out, and at least don't reargue until you know what is  
4                   actually in play. Okay? Do me that favor.

5                   All right. Is there anything else that we  
6                   should address yet today?

7                   MR. BAUER: Not from the plaintiff, your Honor.

8                   THE COURT: Anything, Mr. Scherkenbach?

9                   MR. SCHERKENBACH: Not for Apple, your Honor.

10                  THE COURT: All right. Thank you, counsel.

11                  Nice to see you all.

12                  (Hearing concluded at 3:27 p.m.)

13                                   - - -

14

15

16

17

18

19

20

21

22

23

24

25